

## REMARKS

Applicant has studied the Office Action dated October 4, 2004, and has made amendments to the claims. Claims 1-9 and 11-16 are pending. Claims 1, 7, 9, 12, 14 and 15 have been amended. Claims 1, 4, 7 and 14 are independent claims. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

### Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, claims 7, 9 and 12 recited the limitations "first mode," "reserving an area" and "reserved areas" while claims 14 and 15 recited the limitations "reserving areas" and "reserved area".

In response, claims 7, 9, 12, 14 and 15 have been amended to overcome the objections. In view of this, Applicant respectfully requests that the objection to the specification be withdrawn.

### § 102 Rejection

Claims 1-9 and 11-16 were rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent No. 6,373,800 to Takahashi ("Takahashi"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

Independent claims 1, 4, 7 and 14 disclose a control for unslipped defective areas during the formatting process. Specifically, claim 1 recites "adjusting the recording capacity of the recording medium based on the number of un-slipped PDL entries." Claim 4 recites "adjusting the recording capacity of the recording medium based on the number of unreplaced defective areas if it is confirmed that an error occurred." Claim 7 recites "reserving an area corresponding to the number of un-slipped segments, thereby managing the un-slipped segments continuously, wherein the area is part of a user area." Claim 14 recites "reserving an

area corresponding to the number of un-slipped PDL entries to replace the un-slipped PDL entries, wherein the area is part of a user area."

In contrast, Takahashi does not teach or suggest the claimed elements of claims 1, 4, 7 and 14. Rather, as shown in the specification of Takahashi, specifically in column 13, lines 25-36 and lines 38-58, and column 14, line 66 to column 15, line 10, as cited by the Examiner, Takahashi is related to assigning a spare area of a recording medium and not to the control of unslipped defective areas during the formatting process, as in the present invention. Therefore, Applicant respectfully submits that independent claims 1, 4, 7 and 14, and the claims dependent therefrom are allowable over the prior art.

### CONCLUSION

In view of the above remarks, Applicant submits that the present Amendment places claims 1-9 and 11-16 of the present application in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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By: \_\_\_\_\_



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